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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)	Case No. 3:03-cr-00165-JDR-JKS
)	
Plaintiff,)	
)	Response to Petition for Release
vs.)	from Probation
)	
ELISABETH ANNE COLE,)	
)	
Defendant.)	
)	
)	
)	

COMES NOW the United States of America and submits this response to
defendant's motion to be released from probation.

The court, on January 21, 2005, ordered restitution in the amount of \$32,879.96, in addition to three years of supervised release. Defendant completed her 12 months of incarceration, but encountered difficulties in adjusting to and complying with the terms of supervised release. A petition was filed on April 21, 2006, accusing defendant of failing to report her address and/or to facilitate a home visit. The result was that, on August 1, 2006, defendant was sentenced to an additional 30 days in jail, and, in addition, an extension of supervised release for a period of 18 months.

Defendant now claims that her restitution obligation has been deemed satisfied through a “global settlement” in the civil action related to defendant’s criminal activities. The problem is that any settlement arrived at between the parties to the civil lawsuit is neither reflected in the records of the U.S. Attorney nor in the judgment of the court.

The government, in a letter written on January 10, 2008, informed defendant’s trial counsel that the “pertinent provisions of the civil settlement (which, as I understand, amount to forgiveness of the Estate’s loss) cannot be accepted as satisfaction of the restitution ordered by the district court unless and until [defendant’s] criminal judgment is modified. You must file a motion to modify the judgment with the District Court explaining the nature of the civil

settlement, including some form of explicit acknowledgment of the restitution's satisfaction from the Estate of Madeleine Cole."

Therefore, it is requested that this motion be denied until such time as the criminal judgment is amended to reflect legal satisfaction of the restitution as ordered by the court.

Respectfully Submitted this 20th day of February, 2008, at Anchorage, Alaska.

s/ Crandon Randell
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CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2008
a copy of the foregoing Response in Opposition
was served electronically on: Elisabeth Ahern

s/ Crandon Randell